

Summary

Completion of work and rights and duties resulting from defective work

This thesis focuses on the analysis and description of selected aspects of a contract for work which are completion of work and rights and duties resulting from defective work. The selected aspects are dealt with in this thesis according to their regulation after the recodification of civil law in Act no. 89/2012 Coll., the Civil Code. This new legislation is analyzed and at the same time compared with the legislation from which it partly arose and that was abolished by the Civil Code, i.e. Act no. 40/1964 Coll., the Civil Code, as amended, and Act no. 513/1991 Coll., the Commercial Code, as amended.

The goal of this thesis is to analyze the current legal regulation of the selected aspects of a contract for work and compare it with the previous legislation, then to briefly summarize some conclusions drawn from existing case law in this area, consider comprehensibility and applicability of the new legislation in question, make some recommendations to parties concluding a contract for work and submit several proposals for a modification of the legislation *de lege ferenda*.

The thesis is composed of five chapters, each of them dealing with different aspects of the new legislation of a contract for work as it is regulated by the Civil Code: from a general specification of a contract for work through the selected aspects of the contract in question and their related institutes to practical recommendations and the current legislation amendment and modification proposals. The core of this thesis is Chapter Two and Chapter Three.

In order to place the above mentioned selected aspects of a contract for work in a context of the Czech statutory regulation and contract law, Chapter One deals with a general definition of a contract for work as a contractual type, focuses on the current legal regulation of a contract for work and briefly also on the previous legislation and defines basic terminology used in contracts for work.

Chapter Two consists of an analysis of particular conceptual characteristics of completion of work, then through a treatise on general provisions of handover and acceptance of work this thesis continues to an examination of special legal provisions

for this act and in the end of Chapter Two the findings about consequences of completion of work and a failure to complete work are summarized.

Chapter Three focuses on the legal regulation of rights and duties resulting from defective work in the Civil Code and then the terminology used in the field of defective performance and defects of work is defined and a classification of defects is carried out, followed by a treatise on conditions necessary for a formation of rights and duties resulting from defective performance, on specific rights of a client from defects of work and on limiting factors in their selection and application. The final part of Chapter Three addresses the issue of liberation from duties resulting from defective performance.

Chapter Four concentrates on institutes related to defects of work and rights and duties resulting from defective performance, i.e. the quality guarantee and the right to compensation for damages caused by a defective execution of work.

As an integral part of this thesis there are also recommendations for parties of a contract for work and some suggestions of changes or additions to the legal provisions *de lege ferenda* that are included in the last chapter of this thesis – Chapter Five.